

REMARKS

This is intended as a full and complete response to the Office Action dated June 17, 2009, having a shortened statutory period for response set to expire on September 17, 2009. Applicants respectfully request entry and consideration of the above noted amendments and the following remarks in response to the Office Action.

CLAIM REJECTIONS:

Claims 34-40 stand provisionally rejected on the ground of nonstatutory obviousness double patenting as being unpatentable over copending U.S. Pat. Appl. Ser. No. 12/243,346. Claims 34-40 stand provisionally rejected on the ground of nonstatutory obviousness double patenting as being unpatentable over claims of copending U.S. Pat. Appl. Ser. No. 11/498,336. Applicants have submitted Terminal Disclaimers herewith and respectfully request withdrawal of the rejections.

Claims 34-40 stand provisionally rejected on the ground of nonstatutory obviousness double patenting as being unpatentable over claims of copending U.S. Pat. Appl. Ser. No. 11/502,005. Claims 34-40 stand provisionally rejected on the ground of nonstatutory obviousness double patenting as being unpatentable over claims of copending U.S. Pat. Appl. Ser. No. 11/057,715. The '005 application and the '715 application have been abandoned. Accordingly, Applicants respectfully request withdrawal of the rejections.

Claims 34-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publ. No. 2007/0032611. Section 102(e) requires that the invention was described in an application for patent "by another". However, the sole inventor of both the present application and the '611 publication is Vandaele (*i.e.*, the same inventor). Further, it is well established that if an application properly claims priority on an earlier filed foreign application under Section 119, the filing date of the foreign or provisional application is the effective filing date. Applicants respectfully submit that the present application properly claimed to priority to an earlier foreign application under Section 119; therefore, the effective filing date of the present application is February 13, 2004 (the filing date of the EP application). The effective filing date of the '611 publication is also February 13,

2004. Accordingly, the '611 publication is not available as a Section 102(e) reference and Applicants respectfully request withdrawal of the rejection.

Claims 34-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publ. No. 2007/0036693. Applicants respectfully submit that the sole inventor of both the present application and the '693 publication is *Vandaele* (i.e., the same inventor). Further, Applicants submit that the present application properly claimed to priority to an earlier foreign application under Section 119; therefore, the effective filing date of the present application is February 13, 2004 (the filing date of the EP application). The effective filing date of the '693 publication is not prior to February 13, 2004. Accordingly, the '693 publication is not available as a Section 102(e) reference and Applicants respectfully request withdrawal of the rejection.

Claims 34-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publ. No. 2009/0143546. Applicants respectfully submit that the present application properly claimed to priority to an earlier foreign application under Section 119; therefore, the effective filing date of the present application is February 13, 2004 (the filing date of the EP application). The effective filing date of the '546 publication is also February 13, 2004. Accordingly, the '546 publication is not available as a Section 102(e) reference and Applicants respectfully request withdrawal of the rejection.

Claims 34-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publ. No. 2005/0272891. Applicants respectfully submit that the present application properly claimed to priority to an earlier foreign application under Section 119; therefore, the effective filing date of the present application is February 13, 2004 (the filing date of the EP application). The effective filing date of the '891 publication is also February 13, 2004. Accordingly, the '891 publication is not available as a Section 102(e) reference and Applicants respectfully request withdrawal of the rejection.

Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request the same.

Respectfully submitted,



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